



REMARKS

Applicant has amended claim 1 to recite use of more than a single gene for the screening assay for gene modulating activity. Limitation to one of the disclosed sequences (SEQ ID NO: 1-1392) is recited in claim 2. In addition, claim 36 has been cancelled and replaced by new claim 48.

Improper multiple dependency of claims 11-15, 18, 21-24 and 39 have been removed. New claim 47 limits the gene of claim 1 to one of the disclosed nucleotide sequences.

Finally, Applicants include herewith a new diskette containing the Sequence Listing. The diskette being referred to in the CRF Problem Report is not the sequence diskette – it was submitted with the IDS and contains prior art sequences that were contained in Figure 1 of the priority provisional applications. The CD-ROM originally filed with the application contained the sequence listing and the disk filed with the prior art statement. In the interests of clarity, Applicant submits new CD-ROMs containing the sequence listing (2 copies for the paper listing and one copy as CRF) along with the statement that no new matter has been added and a copy of the CRF Problem Report..

Applicant includes herewith a request for a 3 month extension of time to respond plus a check to cover the fee. The Commissioner is authorized to charge payment of any additional filing fees required under 37 CFR 1.16 associated with this communication or credit any overpayment to Deposit Account No. 03-0678.

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Filed: 18 September 2001

FIRST CLASS CERTIFICATE

I hereby certify that this
correspondence is being deposited
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Alan J. Grant 5/22/03
Alan J. Grant, Esq. Date

Respectfully submitted,

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